

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
UNITED STATES OF AMERICA :
 :
- v. - :
 :
RALPH BERRY, :
 :
Defendant. :
- - - - -x

INDICTMENT

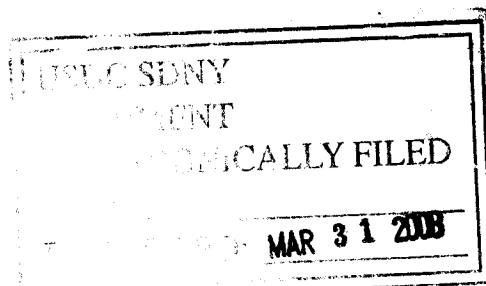
S2 07 Cr. 868 (PAC)

COUNT ONE

The Grand Jury charges:

1. From at least in or about 1995 up to and including in or about April 2007, in the Southern District of New York and elsewhere, RALPH BERRY, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

2. It was a part and object of the conspiracy that RALPH BERRY, the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).



OVERT ACTS

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about July 29, 2005, RALPH BERRY, the defendant, possessed approximately 7 grams of crack in the vicinity of 859 Prospect Avenue, Bronx, New York.

b. On or about April 11, 2007, RALPH BERRY, the defendant, possessed approximately 97 grams of crack in the vicinity of East 180th Street and Third Avenue, Bronx, New York.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. On or about July 29, 2005, in the Southern District of New York, RALPH BERRY, the defendant, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT THREE

The Grand Jury further charges:

5. On or about April 11, 2007, in the Southern District of New York, RALPH BERRY, the defendant, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATIONS AS TO COUNTS ONE THROUGH THREE

6. As a result of committing the controlled substance offenses alleged in Counts One through Three of this Indictment, RALPH BERRY, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One through Three of this Indictment, including but not limited to proceeds obtained as a result of the offenses described in Counts One through Three of this Indictment.

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

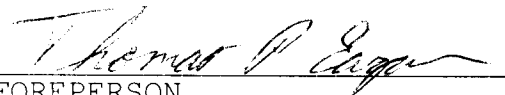
c. has been placed beyond the jurisdiction of the Court;

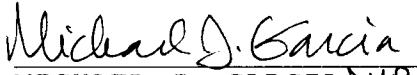
d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)


FOREPERSON


MICHAEL J. GARCIA *SMR*
United States Attorney

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(Title 21, United States Code,
Sections 812, 841(a)(1),
841(b)(1)(A), 841(b)(1)(B), and 846;
Title 18, United States Code, Section 2)

MICHAEL J. GARCIA
United States Attorney

A TRUE BILL.


Foreperson.
